

Established 1946

Pages 16

Price : Rupees Five

janata

Vol. 71 No. 27

July 31, 2016

**The solution to
Kashmir problem**
Sandeep Pandey

**Growing inequality
in Kerala society**
Varughese George

**An Explosive Report by Justice
Mootham of Allahabad in 1955**
Chandra Bhal Tripathi

Recent crimes linked to media
Bharat Dogra

Nepal urf Lattha Par ki Diary
Madan Lal Hind

Pellet Guns in Kashmir
Ravi Nair

Editor :
G. G. Parikh

Managing Editor : Guddi

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai - 400 007.

Email : janataweekly@gmail.com

A page from Quit India Movement

Kuldip Nayar

As India prepares to commemorate 68 years of freedom from British imperial rule, it may be worth remembering a dusty town in Uttar Pradesh that suffered the consequences of declaring itself an independent country for a few days in 1942.

The sovereign Republic of Ballia, headed by Chittu Pandey, managed to survive for some seven days before British-led military and police forces managed to regain control and unleashed a series of atrocities that are still remembered by the descendants of those who were raped, beaten and killed by shooting, firing and burning.

At the orders of an English police officer called Fletcher, an estimated 130 leaders of the local independence movement were hanged. Those who were not hanged were forced to climb trees where they were bayoneted. Those who managed to avoid the tree punishments were taken to local jails where they were suspended by their legs and starved. Those who avoided the leg suspension torture were forced to sit together on the floors of the jails where they were fed chapattis that gave them dysentery.

Ballia offers a small insight into the realities of colonial rule where 'lesser breeds' like the Indians suffered unimaginable miseries at the hands of their white rulers. Some of those tortures resulting in death, whether it involved bayoneting or being forced to lie on blocks of ice for hours on end, were not all that different from what the Jews endured at the hands of the Nazis.

The difference is that what happened in places like Auschwitz in Germany has been well documented and some of those responsible for what happened in the concentration camps have been brought to justice, if not by the allied powers and post Nazi Germany at the international court of justice in the Hague, then certainly by the modern state of Israel.

Atrocities committed in places like Ballia that joined in the Quit India movement of 1942 are still not fully documented. As for the likes of Commissioner Fletcher, no one to this day knows what happened to him and whether he was ever held to account for the murders of so many innocent civilians.

The solution to Kashmir problem

Sandeep Pandey

In recent years it has become fashionable among some historians to suggest that 200 years of colonial rule were not all that bad and that India gained more than it lost from interacting first with the East India Company, a gang of thugs dressed up as so-called gentleman traders, and then face-to-face with the British government.

In practice there was not that much difference between the brutality and exploitation practiced by the company and the government. One small example should suffice. It was British government representatives who forced baptism on Maharaja Ranjit Singh's son and heir, Duleep Singh. And it was British government officials, including Lord Dalhousie who, after presiding over the looting of the Lahore treasury, 'persuaded' young Duleep Singh to hand over the fabled Kohinoor diamond in person to Queen Victoria. Today that same Kohinoor forms the centre piece of the British monarch's crown.

Back to the benefits of 'gora' rule. It was the British after all, so the argument goes, who introduced Indians to the English language and helped to develop the country's infrastructure, whether by bringing in piped water, electricity and sewerage facilities to urban areas, or laying the foundations both of the railways and the posts and telegraph services. And it was the British again who introduced key religious and social reforms such as the abolition of Sati and child marriage in 1829 and the Widows Remarriage Act of 1856.

Yet the Indians were quite capable of behaving like gentlemen. When

(Continued on Page 3)

On 8th July, 2016, the Supreme Court said that Armed Forces Special Powers Act, 1958, in force in parts of Northeast and J&K, cannot be an excuse for extrajudicial killing - whenever such allegations surface they have to be investigated regardless of whether the person is dreaded criminal, terrorist or insurgent. On the same day a young militant Burhan Wani was killed in an encounter by the security forces. We don't know whether it was a case of extrajudicial killing. Prashant Bhushan says it was a fake encounter. Extrajudicial killings have been going on quite freely. The case in which above judgment has been delivered has a list of 1528 deaths in counter insurgency operations in Manipur from which the Court has sought details on 62 which are suspected extrajudicial killings. And Manipur is a small state compared to J&K.

Moreover, the turnout at Burhan Wani funeral indicates two things - either the killing was perceived to be extrajudicial or he is viewed by Kashmiri youth more than just a militant. He represents the aspirations of Kashmiri youth because of which they like to associate themselves with him even taking the risk of facing fire from Indian security forces. Experience of Burhan Wani at the hands of Indian security forces when they beat him up and humiliated him is the same that every Kashmiri youth faces at some point or the other and even repeatedly. Most simply pocket the insult. Some like Burhan Wani revolt against it and in the process become a militant. There are a number

of organisations from across the border which are ever willing to train such youth in use of arms and explosives and guerilla warfare, even though Burhan is not believed to have received training in Pakistan. He was the commander of Hizbul Mujahideen at the young age of 22 years.

Basic question is who or what is responsible for the birth of militants: Pakistani terror organisations or policy of Indian state which alienates the youth of valley? Why is the demand of Omar Abdullah as the then Chief Minister of J&K and for which Irom Sharmila has been fasting in Imphal for the last 15 years - removal of AFSPA - not being met? Only a reduced presence of security forces can lead towards a situation of normalcy. But the security forces scuttle this idea.

A political problem cannot be treated like a law and order problem. Indian state must accept that there is disaffection in Kashmir and the political views of national political parties and the people of Kashmir probably differ greatly. The only way out is dialogue with not just political parties but all sections of separatists and insurgents in Kashmir which the current BJP government at centre seems to be disinclined towards. It is not that government doesn't talk to such groups. In Nagaland they have had an agreement with separatist groups. Moreover, if the government is not talking to separatists in Kashmir then it is a sure recipe to push them towards Pakistan, for which then the government should not blame them.

In the time of grief and crisis a refreshing approach has been offered by the former Home Minister P. Chidambaram. He has differentiated between the land of Kashmir and the people of Kashmir. He argues that successive governments of India have worried about the territory of Kashmir in their zeal to maintain Kashmir as integral part of India but have failed to take the people along. The people have become more and more alienated because of government's policies.

Considering that P. Chidambaram was Home Minister, it is commendable that he has expressed his opinion so candidly and take a position very radically different from the traditional official position of government.

Chidambaram advocates honouring the promises made by India to J&K at the time of its accession to India. He argues for more autonomy to J&K allowing them to frame their own laws as much as possible as long as they don't conflict with the Constitution of India. He calls for Indians to respect the identity, history, culture and religion of people there.

Chidambaram has made a surprising revelation that he was in favour of withdrawal of armed forces from civilian areas and for them to be posted only in border areas but the defence establishment did not agree to it. In any case he thinned the security forces by 10,000. He also wanted the state government to be responsible for day to day law and order situation but again the security forces were not agreeable to this proposition.

(Continued on Page 5)

(Continued from Page 2)

the East India company established control in the name of trade in 18th century India, its officers duly went about trebling the taxes that the local peasants were obliged to pay. These taxes remained in places even during times of dire famine. How different it was when local rulers were in charge and dispensed with taxes during times of calamity.

In Ballia 200 years later it is instructive to recall just how the British administration was treated by the leaders of the independence movement. British officials and their local toadies were gathered together and peacefully ushered across the railway line that divided the civil and military lines of the town. None were harmed in any way.

Even more instructive was the unity that prevailed in those days between Hindus and Muslims. Inevitably, when they returned the British committed all kinds of atrocities. They did not want the national flag to be hoisted in Ballia and they shot and killed any who dared to do so. Emerging from the shadows of the town was a young Muslim who was killed when he tried to raise a flag that was not the Union Jack. It is still a matter of local pride in Ballia that before the flag fell to the ground, another volunteer took it upon himself to grab and support that symbol of national pride. Some 11 men were killed one after another by soldiers of the crown.

Significantly, this gesture of defiance by the citizens of Ballia was never reported in the British media. This was during the Second World War when Winston Churchill was Prime Minister. As the war was coming to a close he is recorded as

saying that Britain would never give up its Indian Empire.

His recoded comments include, "I hate Indians. They are a beastly people with a beastly religion." Just as shocking were his earlier comments about Mahatma Gandhi. "It is alarming and nauseating to see Mr Gandhi, a seditious Middle Temple lawyer, now posing as a fakir of a type well known in the east, striding half naked up the steps of the vice regal palace, while he is still organizing and conducting a campaign of civil disobedience, to parlay on equal terms with the representative of the Emperor-King."

Churchill did not and could not anticipate that Ballia would ignite the fire which five years later would engulf and destroy colonial rule both in India and beyond. Ironically, the statues of both Gandhi and Churchill today stand close to each other in a prestigious location opposite the British parliament in London. EOM

Janata Subscription

Annual Rs. : 260/-

Three Years : 750/-

Demand Draft / Cheque

on

Mumbai Bank

in favour of

JANATA TRUST

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai 400 007

Growing inequality in Kerala society

Varughese George

We have been talking about the 7 per cent growth rate in Kerala economy, above the national average, but the question is does this reflect reality? Is this growth meaningful in the life of the poor, the dalits, and adivasis and fish workers, the Outlier Society as John Kurien calls it.

Prof. Amartya Sen is talking about two types of opportunities; the economic opportunity and social opportunity. Either you give them the land, the economic opportunity, or education and health, the social opportunity. The census of India 2001 shows that of all scheduled castes in Kerala cultivators account for 1.7 percent only. Every third scheduled cast worker in Kerala is an agricultural labourer. They account for 33.7 percent of scheduled castes.

On 21st July 2009 the Hon. Supreme Court instructed Kerala Government to allot land to adivasis within 6 months. But the state governments since then have made no effort to implement the order. Land has since been appropriated for stadiums, national highways, etc., but when it comes to the question of adivasis the approach is different. The fisher folk also have no land.

The partial resolution of this problem could be made through a second land reform. The land reform act brought at the time of the first EMS government was a revolutionary one. For the first time ceiling was brought for the proprietorship of land. All land after the ceiling limit of 15 acres was to physically taken over by the

government. Then it has to be redistributed among the landless. Prof. M A Oommen wrote that at that time there were 7.82 lakh hectors of surplus land. But subsequent governments since then made no earnest effort to physically take over this surplus land and redistribute it among the landless. Till now, only 40343 hectors were redistributed. Surplus cultivable land thus, was wasted and transferred to benami hands.

Secondly in pre-land reform Kerala, landless tillers were of two broad categories, as Radhakrishnan writes, those without any leased-in land who worked as hired agricultural laborers and those who had small parcels of leased-in land. The majority of those who have benefitted by the land transfers through the land reform act conferring ownership rights belong to the category of cultivating tenants. The real cultivators of land, the agricultural laborers did not get land.

Thirdly, the plantation was excluded from the ceiling limit. That might have been logical at that time since rubber plantation seemed to be the most organized industry at that time. The trade unions also stood against partition of plantation, lest it might disintegrate the plantation labor. But as early as 1980s P. Radhakrishnan, in his landmark study 'Peasant struggles, land reforms and social change, 1836-1982' wrote that "the exclusion of vast areas of plantations from successive land reforms enactments has to be seen as a major limiting factor of Kerala land reforms,

making the effects of even the most thorough-going, act only partially felt."(P-172).

Now times have changed. The dalits, adivasis and fish workers have started asking for a piece of land. Two major private plantation companies have in their possession more than two lakh hectors of government land in lease. There are also other private plantations with 1000-2000 acres each with government land in their hands as lease. The lease period to most of these estates are over. The government should take over such land.

Secondly regarding private owned plantations, a ceiling has to be fixed, whether it is 100 or 200 acres. The surplus land above the ceiling has to be physically taken over. Even PCK has given 1000 acres of land to Adivasis in Kannur and in Kannur we are left with only 140 ha. If the public sector can part with its land for re-distribution among the landless, why not the private sector? The Constitution clearly stipulates that as per Article 39(B), the state shall, in particular, direct the policy towards securing that the ownership and control of the material resources of the community are so distributed to subserve the common good. Article 39(c) stipulates that the operation of the economic system does not result in concentration of wealth and means of production to the common detriment.

We are not giving land, economic opportunity to the poor. At least, give them social opportunity: education and health. If you look into the national

health profile of 2013, we can find that the highest incidents of chicken gunya fever in 2009 was in Kerala numbering 13349 and dengue in 2013 numbering 7911 including 25 deaths. Chicken gunya fever was wide spread in Pathanamthitta district and social profile show that SCs, STs and OBCs were the most affected. The mid-term appraisal of XIth plan prepared for Planning Commission for CDS states that between 1999-2006 the state could not make any significant progress with regard to malnutrition in children and women. One out of every 4 children aged below 5 years are stunted or too short for their age. Caste wise differentials are very severe, with 34 percent among scheduled castes being stunted, followed by other backward castes - 26 percent.

This study also states that more than one fifth of the children below 5 years in Kerala are underweight. Between NFHS 2(1998-99) and NFHS-3(2005-2006) surveys the percentage of children with anemia increase from 44 percent to 56 percent.

Among women also, malnutrition is a major problem. Among women aged 15-49 years nearly one over of every 5 women is too thin. Anaemia continues to be a major health problem among women in Kerala. One third of women aged 15-49 years are anaemic.

With regard to education we are living and moving in a knowledge society. Knowledge society is a society that has universal access to sharing of knowledge. But in Kerala there is a knowledge divide. The census of 2001 shows that among scheduled castes graduates and above are just 2.1 percent while non-technical and technical diploma

holders constitute 1.5 percent. The SC/ ST department states that the drop out of SC children in 9 and 10 classes in the year 2010-11 were 2828 and in college 25338 the same year.

The slum population is increasing. As per the report of the committee on slums in Kerala in 2014 it was 541314, in 2015 it will be 543671 and in 2016, 545906. In the aftermath of Tsunami that struck on 26.12.2004 the centre, state and voluntary agencies built homes, 46 tsunami colonies in Kollam, 12 Tsunami colonies in Alappuzha and 3 Tsunami colonies in Ernakulam District. In these colonies 2000 families are living and the houses are dilapidated and unlivable. There is water scarcity in these colonies.

Regarding the status of tribals, As Ajmal Khan points out, Kerala has comparatively less population of tribals, the scheduled tribal population is 364189. They form just 1.2 percent of the total population. But according to an undisclosed survey prepared by the ST Development Report and brought out by *Indian Express* on 19 May 2014 through its correspondent M.S. Vidyanandan said that a total of 13.09 of the tribal families were affected by malnutrition and their number was maximum in Wayanad District followed by Palakad and Idiki Districts. A total of the 18 percent of the families had members who were differently abled or mentally challenged. The drop out rate was 62 percent in general. Thus Kerala society hailed as just and participatory has become divisive and inequality is growing.

(Paper presented in the Seminar, Kerala Economy: Challenges and Way Forward, at K.N. Raj Centre, Kottayam)

(Continued from Page 3)

If Chidambaram and Omar Abdullah were allowed to work on their ideas situation would have been completely different today. People would have been spared the presence of security forces among them which can be oppressive and humiliating. If people had felt more involved in running their own government they would have also felt the responsibility to maintain peace. It is possible that still some extremists would have continued to operate. But then it must have been left to the Kashmiris to deal with their fellow citizens to try to convince them to leave the path of violence.

Right now presence of Indian security forces for such a prolonged period makes it look like an occupying force. P. Chidambaram says we cannot preach to Sri Lanka to respect the democratic rights of its Tamil minority when we're not able to do it with Kashmiris.

If human rights violations take place because of the presence of security forces we cannot expect the Kashmiris to trust the government. The ultra-nationalist view of the present government in power in New Delhi makes things worse. They know only one way to deal with their opponents - that is to remain tough. It is beyond their imagination to talk to people whom they consider anti-nationals. They just can't perceive that whom they consider anti-nationals may not be so in the eyes of people of Kashmir. They could even be their heroes. Unless the government starts seeing things from the Kashmiri perspective there is no headway towards resolution of the Kashmir conflict.

ashaashram@yahoo.com

Why is Kashmir boiling?

PUCL expresses its deepest concerns about the manner in which the Indian security establishment has handled the protests that erupted across the Kashmir valley as a consequence of the killing of Burhan Wani in a suspected fake encounter last Friday, 8th July, 2016. By many accounts, Wani was shot at from close quarters of about 4 feet in a cold blooded murder and not in an encounter. Two other persons accompanying Wani were also killed by a special team of the security forces. Such cold blooded killings camouflaged as “encounter” in an alleged gun-fight is unacceptable in a democracy. PUCL condemns both the Central Government and the PDP-led J & K government for launching an operation to liquidate suspected or real terrorists in fake encounters instead of respecting the rule of law and prosecuting them.

During the last few months, many terrorists have been killed in Kashmir without noticeable protest, but following Burhan Wani’s killing the valley is on fire. The widespread protests in the valley has led to the firing in which as many as 34 unarmed Kashmiris have been killed and over 92 people injured including those hit in the eye by the so-called ‘non-lethal’ weapons firing pellets, instead of bullets.

It is important for the rest of India to ask why there is so widespread and determined protest now when there was no protest at such a scale every time alleged terrorists were killed? The obvious reason is that though the protesters accept that those who fight with arms must expect to be countered with arms as is the rule of war as well as peace, but to them, the killing of Wani was not in a real encounter but in a fake

encounter after luring him to the place where he was killed with his two friends. Most lamentably, the circumstances and manner of Wani’s killing are being concealed from the people, but the people of Kashmir know it and are seething with anger.

Some newspapers have reported the circumstances and manner of Wani’s killing but placed it at some obscure place. For example, The Dainik Bhaskar, Muzaffarpur edition (11.7.2016 on page 17) has published an account of the encounter based on an interview of Upmita Bajpayee with an officer involved in the operation. According to the officer, a honey trap was set with a girl known to be close to Wani. She lured him to visit her at her house at the village Badmura. The security forces were tipped and were also informed that the terrorists were not heavily armed. The house was surrounded and was set on fire to force him out, as the Islamists do not want to die in a fire as it is like ‘Dokhaj’ (Hell). As the fire raged, Wani reportedly came out supported by two of his friends. The security forces shot him from a distance of 4 feet. They also killed both of his friends though they initially wanted to capture them alive but killed them, too. The heading of news item is KHUD JAAL ME FANSA THA WANI, SENA NE GHERA TAB NASE ME THA, 4 FEET DOOR SE MARA GOLI (Wani walked into the trap himself, when the armed forces surrounded him, he was inebriated, was shot from a distance of four feet).

Kashmir would not have been on the boil if Wani were not killed in cold blood in a fake encounter after setting a honey trap. Most likely his death would have been protested like other cases of killing of terrorists in

a real encounter but without the scale of current uprising.

It is important to point out that the alleged terrorists are being treated as worse than Nathuram Godse, who murdered Mahatma Gandhi and Ajmal Kasab, the Pakistani terrorist, involved in Mumbai terror attack of 2008. None of them was shot dead like Wani. They were tried giving them the opportunity to defend themselves and finally punished according to the law. That is what the adherence to the constitution and the rule of law mandates and is the basis of our claim to be a civilized nation.

It is a shame that the rest of India is not protesting against the cold blooded murder of Wani and his friends. Their being a terrorist was not a greater crime than Gandhiji’s murderer or Ajmal Kasab’s role in Mumbai terror attack. Our law as reiterated by the apex court from time to time does not permit killing of terrorists in fake encounters and treats it as plain murder. The general indifference or support for the killing of Wani in the rest of India smacks of a double standard and angers and further alienates the people of Kashmir.

The PUCL demands that regardless of the difficulties, the State must fight terrorism within the frame-work of the constitution and the law of the land to win the trust of the people in the fairness of the Indian State and arrest further alienation of the Kashmiris. The lawless ways of the State are bound to add to the legitimate anger and alienation of the Kashmiris.

Dr. Prabhakar Sinha **V. Suresh**
President, General Secretary
Peoples Union for Civil Liberties

An Explosive Report by Justice Mootham of Allahabad in 1955

Chandra Bhal Tripathi

I refer to an explosive, not yet published, secret report by the late Justice Mootham of the High Court of Allahabad in 1955 who inquired into the ugly incident of the convocation of Allahabad University. The communist/socialist student leaders of that university held a black flag demonstration against K M Munshi, the autocratic Governor of U.P. and Chancellor of Allahabad University, and were brutally assaulted by *lathis* by the RSS activists. Eight student leaders were expelled and the University remained closed for at least six months. As the President of the UP Branch of the National Union of Students of India (established in 1950 at Bombay as the Federation of the University and College Unions of India— now defunct due to the conspiracy of the Congress Party) I went with my good friend Robin Mitra to Allahabad to explore the possibility of a solution to the imbroglio. We somehow got access to Justice Mootham's secret report for 4-5 hours one night. It was an explosive report containing the evidence of the witnesses. A highly placed teacher and administrator of the University in his deposition had accused Governor Munshi being closeted in his saloon at Allahabad Jn. station for 15 minutes with the RSS student leaders and two senior professors having paid money to them buy *lathis* from a shop in Katra for being used to assault the leftist student leaders opposed to Governor Munshi. I remember the names of all the *dramatis personae*. One of the RSS student leaders became the HRD Minister at the

Centre and another became the DG of Police in UP and later a BJP MP.

I prepared a 24-page manuscript titled *The Truth about Allahabad* after my return to Lucknow. I had come from a far-off place where I was doing anthropological field work and so I stayed in the room of the firebrand socialist Raj Narain in Darul-Shafa, the residence of MLAs. I was shocked to find that before I could

get this explosive booklet published, it was stolen from my suitcase. Obviously someone staying in that room in the garb of a confidante of Raj Narain ji was an agent of the UP Police- Special Branch. This secret document is of historical importance. I would urge upon the Government of UP to retrieve it as well as my manuscript and make these public to expose all the *dramatis personae* and the then communal and conspiratorial forces.

Black day for Indian children

Lok Sabha has passed 26 July 2016 Child Labour (Prohibition and Regulation) Amendment Bill, 2012 to allow child labour below the age of 14 years in family enterprises is a regressive move.

RTE Forum, a coalition of ten thousand grass-root organizations, people's movement, educationists and teachers organizations, has said that "Today is black day for the millions of Indian children; they will now be deprived from all their rights which they have achieved after the decades long struggles, like, right to education, equal opportunity for quality learning, play, protection and enjoyment of their childhood."

The Labour Ministry and the Government have completely negated the voice of Child Rights Activists of this country and also the recommendations of the Parliamentary Standing Committee on Labour.

There are 1,01,28,663 child labourers in the country between the

age group of 5 to 14 years as per 2011 census. The amended Bill might give a first impression that the Government is taking a stringent measure to end child labour upto 14 years. But a closer look at this reveals that it is hardly the case. Of course there are some relevant measures in the new bill such as a jail term of up to 2 years for those employing children below the age of 14 for labour activities. Activists who have been fighting for rights of children have been critical of the bill.

The Government has made an exemption that the child can help his family or family enterprise after his school hours or during vacations. The government has made the amendments on the hypothesis that education and work for children can go hand in hand but this defeats the very purpose of protecting the children from exploitation and also the Right of Children to Free and Compulsory Education Act.

RTE Forum has expressed deep

concerns about the insensitive approach of ruling party towards children of this country and said that this is a clear violation of existing Fundamental right to Education (Article 21A). RTE Act, which is guaranteeing right to education up to 14 years, is now planning to move as a legal entitlement towards secondary education. This amendment will affect the retention rate of children in schools and increase drop outs of marginalized especially girl children. Goal 4 of Sustainable Development Goals (SDGs) declared by United Nations is also pushing for the universalization of education till the secondary level.

The employers and contractors will be benefited by this amendment and children are now forced to be exploited through this amendment.

‘Family’ has been defined as child’s mother, father, brother, sister and father’s sister and brother and mother’s sister and brother; ‘Family enterprise’ has been defined as any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons. This means a child can work in any manufacturing or business unit if it is owned by his/her relative.

Several Parliamentarians have also criticized the bill saying “we should not do to other children what we do not do to our own”. Some of the members in the opposition have said strongly that none of them would like their children to do labour, family business or not, apart from studies.

—Ambarish Rai,

National Convener Right to Education Forum

Recent crimes linked to media

Bharat Dogra

Two major crimes were busted in Delhi on July 9 and highlighted in next day’s crime stories in newspapers. Both these stories were reported to have some linkages to media.

A gang of chain snatchers was busted in Model Town leading to the arrest of five men who, according to the police, were involved in 65 cases of chain snatching . These gangsters generally used motorcycles and scooters to speed past people on roads and snatch their gold chains and mobile phones.

The police said that these gangsters were inspired by a popular Hindi film *Dhoom*. A leading headline in the *Hindu* made the connection amply clear—‘Dhoom gang busted’. The *Times of India* added to the media connection by informing that one of the gangsters earlier used to act in a TV serial. The *Rashtriya Sahara* reported further that the crimes were committed on the pattern of what was seen in the film. A headline in the *Hindustan* said, “They learnt crime methods from watching TV show.”

In another case reported on the same day, a Delhi businessman was abducted by hostile persons known to him and beaten till he became unconscious. He was then taken in a car and buried alive in the sugarcane fields of one of the attackers.

A senior investigator of this

murder told the *Hindu* , “The killers were inspired by a crime show on television. They thought that no trace would be left if a man was buried in an unknown agricultural field.” The headline in this newspaper said, “Killers inspired by crime show.”The story also started with the words—”Inspired by a crime show on television —.”

The *Rashtriya Sahara* confirmed this by reporting that the criminals had informed the police in the process of interrogation that they learnt about this method of disposing a body from a crime serial. The *Times of India* added another dimension to this media connection by reporting that the murderers had also looked for guidance on how to dump a body on YouTube (All quotes from newspapers dated July 10) .

Several such incidents have been reported in the past when linkages between crimes and media programmes were reported. In fact the film *Dhoom* had been involved earlier also in such reports. In a diamond robbery case in Hyderabad the gang leader admitted to be inspired by this film, as was the case earlier in at least one bank robbery. A teenager in Delhi who faked his own kidnapping was stated to have learnt some tricks from a Hindi film *Khiladi*. In a shocking case reported from Amravati, two boys stated to be influenced by a Hindi film *Divyashakti* kidnapped and disrobed a girl, then drew vulgar pictures on her body.

Perhaps the most serious linkage between crime and media was drawn in the context of a terrorist attack in Ahmedabad which was said to be influenced by the plot of a Hindi film *Contract*. In this film the villain plans low intensity explosions followed by a bigger explosion when people rush to hospital. A somewhat similar sequence was also seen in the actual attack.

While all this is certainly cause for concern, the linkage should not be exaggerated to the extent of saying that in all such cases the crime would not have taken place at all if the exposure to some film or TV scenes had not taken place. A number of factors taken together are responsible for any increase in crimes, and increase in certain types of media exposure is only one important factor among other several important factors.

Certainly there is need for greater caution in the way crime is depicted. Romanticised depiction of crime should be avoided. In other countries there have been reports of the film 'Bonnie and Clyde' leading to crimes based on romanticized acts shown in the film. Such allegations have appeared in India in the context of a more recent hit film in Hindi *Bunty and Bubbie*.

Another suggestion for caution is that crime films and TV shows should concentrate more on 'whodunnit' tracing the criminal than on detailing methods of committing crimes. In this context objections were raised in India to some episodes of the TV detective serial *Vyomkesh Bakshi* which

(Continued on Page 12)

Nepal urf Lattha Par ki Diary

Madan Lal Hind

"*Nepal urf Lattha Par ki Diary*", written in Hindi by Ravinder Bharati, is a historic book on the underground movement to fight the autocratic Rana rule and to establish a democratic set-up in Nepal. Bharati is a well-known poet, writer and socialist political activist of Patna, Bihar. He has been a product of the JP Movement.

The contribution of B. P. Koirala, Ganesh Man Singh and whole lot of others to the fight for the democratic future of Nepal has been widely acknowledged and documented. But few books have talked of small workers who gave their lives for Nepal. The Diary, for a change, talks about the sacrifices of the unknown, unsung heroes of this battle.

In this sense, Bharati has done full justice to the dramatis personae of the theatre of the war for the soul of Nepal. The book gives a graphic account of the struggle waged by Ram Harakh, Kusheshwar Jha, Sivadhari Sahu, Chander, Divya Devi and many other soldiers. All of these Madhesies died fighting for democracy in their country.

Socialist leaders Dr Rammanohar Lohia and Jayaparaksh Narayan were the source of inspiration for the leaders like Bisheshwar Prasad Koirala and Krishna Prasad Bhattarai. The Diary delineates the role JP and Lohia played behind the scene for Nepal.

This reviewer, for instance, did not know that the socialist government in Burma (now Myanmar) sent, at the instance of Dr Lohia, plane loads

of arms for the volunteers of the Nepali Congress. Similarly, at the request of Jayaprakash Narayan, Subedarji, a veteran of the Azad Hind Fauj, had been helping the Nepal Congress foot soldiers for years.

They developed the "Muktagami Radio" (Liberation Radio of Nepal). This Radio worked overtime to give the latest news of the struggle. It played a major role in forming public opinion against the oppressive Rana rule. Government's Nepal Radio could not match the Muktagami Radio in its reach, efficiency and dispassionate coverage.

"*Nepal urf Lattha Par ki Diary*" graphically describes how the transmitter of the Muktagami Radio was literally carried on the back of renowned Hindi writer Phanishwar Nath Renu. Renu was a passionate socialist in India and a close associate of B. P. Koirala in Nepal.

The Muktagami Radio began its day with a liberation song. Then it continued to give the news day and night with the slogan "Jai Nepal" (Victory to Nepal). "Bhairhava has been captured. Birgunj has gone into the hands of Muktagami soldiers." "After the fall of the Rana Government, an interim government has been formed in Birgunj and Butwal." So on and so forth.

Veteran socialist commander Dr Kuldip Jha has been martyred. "What? It is impossible. Dr. Jha cannot die", says the driver of the bus going from Purnea to

(Continued on Page 12)

Pellet Guns in Kashmir

Ravi Nair

The government of India and the state government of Kashmir must immediately order their police forces to immediately stop using pellet guns and the lethal cartridges that they use. Any further usage of such weapons, which have caused extensive, arbitrary deaths and grievous wounds, would be not just callous, but a criminal act.

Since July 9, 2016, in the aftermath of the killing of Hizbul Mujahideen leader Burhan Wani, large scale protests and funeral gatherings have been taking place across the Kashmir Valley. The apparently indiscriminate use of allegedly “non-lethal” weapons like pellet guns to control crowds has resulted in 43 civilians having lost their lives so far. Hundreds have been blinded and a few thousand injured.

A curfew remains in effect in several parts across the Kashmir Valley. Additionally, mobile telephone networks and internet services remain dismantled, reportedly to prevent further agitation. Newspapers failed to publish for five consecutive days due to raids on their offices and printing presses, till they started again on July 21.

Protests in Kashmir have primarily involved stone throwing from demonstrators, with police and security force personnel responding with gunfire from firearms or pellet guns. The indiscriminate and excessive force used by state forces in Kashmir has no parallel

anywhere in India.

Stone throwing does not give police the right to shoot at protestors indiscriminately. Deadly force should only be used when it is unavoidable and proportionate to the crowd’s actions. Proportionality, necessity and calibration are key principles governing the use of force within national and international law.

Pellet guns were first introduced in Kashmir in 2010 for crowd control as a “non-lethal” alternative to other deadlier weapons. Nevertheless, in 2010, 14-year-old Irshad Ahmad Parray and 20-year-old Mudasir Nazir lost their lives to pellet gun injuries. These boys are two of ten victims who have been killed by pellet guns since 2010, yet these guns are considered the better option, a “non-lethal” choice to control crowds. It is reported that at least 92 people have lost their eyesight and at least 1,500 people have sustained serious injuries from pellet guns since 2010.

Domestic procedures on crowd control should reflect international expectations of proportionality and necessity. In an unnamed official document, provided by a confidential source, it is dictated that crowd control tactics must aim to minimise collateral damage and avoid the loss of human life, and that during training, an emphasis should be placed on respecting human rights. On paper, these procedures should protect Kashmiris, but in reality they are not followed.

During a crowd control operation, only two to five officers should have non-lethal weapons and banners should be used to warn the unlawful assembly prior to the deployment of any force. Additionally, the document states that when firing becomes necessary, which is only after efforts are made to disperse a crowd without force, every attempt should be made to fire below the waist. With the number of eye injuries Kashmiri citizens are facing, it is hard to believe that any attempt was made to fire below the waist.

Moreover, if shooting is resorted to, firing must be in single shot mode. Yet pellet guns fire hundreds of tiny shots with each cartridge. This goes hand in hand with the requirement that fire only be directed towards the most violent sections of a stone-pelting mob, not the mob in its entirety. Pellet guns do not offer effective aim to target the crowd accordingly and many peaceful protestors and bystanders have been injured during their use.

Furthermore, this document orders that women and children demonstrators only be dealt with by female officers and that water cannons, tear gas smoke, and if necessary stun grenades be used to disperse these demonstrators. The number of young victims affected by the current crowd control measures in Kashmir, particularly young boys, and the use of pellet guns on women and children refutes that this objective has been upheld.

Regrettably, the current state of law in India grants government officers impunity for even the most serious human rights violations, including the current pellet attacks and breakdowns in crowd control procedure. The Indian Criminal Procedure Code (CrPC) produces de facto immunity for police officers, members of the armed forces and other government officials. Section 197 of the CrPC says that no court has jurisdiction over an alleged criminal offence committed by a government official “while acting or purporting to act within the discharge of his official duty”, without first obtaining authorisation from the requisite central or state government.

In contrast, the case of Shaimaa’ El-Sabbagh, in undemocratic Egypt, illustrates accountability not seen within India’s legal system. El-Sabbagh was a 31-year-old activist who died during a public assembly as a result of birdshot injuries. This case resulted in the sentencing of a police officer to 15 years for her death.

Moreover, following the Koothuparamba incident in 1994, in Kerala, police officers were charged with murder and had to fight the case on appeal for exoneration. The officers were exonerated as a result of the impunity available to them.

Although both of these were rare cases of prosecution, Kashmiris are unable to even fathom charges of this nature being levied against a police officer.

Ironically, the same day that Burhan Wani was killed, the Supreme Court of India made a decision in *Extra Judicial*

Execution Victim Families Association v. Union of India discussing fake encounters in Manipur and “the illegality of the use of excessive and retaliatory force by the army, security forces and police”. The Supreme Court noted that the rule of law applied “even when dealing with the enemy”. This commitment, however, is breached everyday in Kashmir. The court went on to hold that an unending state of unrest could not “be a fig leaf for prolonged, permanent or indefinite deployment of the armed forces as it would mock at our democratic process.”

The Indian government is violating international standards with its current response to protests in Kashmir. Specifically, the government is violating the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials. The basic principles state that, “Law enforcement officials...(must) apply non-violent means before resorting to the use of force”. Additionally, provision five states, “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) exercise restraint in such use and act in proportion to the seriousness of the offence... (b) minimize damage and injury... (c) ensure that assistance and medical aid are rendered to any injured or affected person at the earliest moment...”

In Kashmir, restraint is not being exercised, injury is not being minimised and medical assistance is not ensured. Pellet guns are not a proportional response to the current protests. Far too much

harm has been inflicted, particularly involving people’s eyesight, far too many bystanders, including children, have been injured and medical assistance comes only at the risk of being arrested and prosecuted.

When the police are involved in crowd control efforts, they must distinguish between violent protestors, peaceful protestors and bystanders. The pellet gun cartridges in Kashmir fire a large number of small pellets over a wide range, they are not targeted. Even the inspector general of the Jammu and Kashmir police acknowledged that pellets do not have a predictable trajectory.

Basic principles 13 and 14 discuss protests, stating, “in the dispersal of assemblies that are...non-violent, law enforcement officials shall avoid the use of force” and “in the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable”. Further, firearms can only be used in the conditions stipulated under principle 9 — “self-defense or defense of others, against the imminent threat of death or serious injury, to prevent serious crime involving grave threat to life...”

All of the conditions stipulated pose a much greater risk than stone throwing. The magnitude of the circumstances is hardly comparable, yet pellet guns are being used on the people of Kashmir and have been since 2010.

Moreover, the basic principles require that, “in cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to competent authorities.” Hence, authorities

should be reporting and investigating every instance of serious injury resulting from the use of pellet guns. However, instead of investigating these injuries, police personnel are attacking ambulances and searching hospitals to make arrests.

Under article 3 of the UN Code of Conduct for Law Enforcement Officials, “law enforcement officials may use force only when strictly necessary”. The code continues, “in general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others”. Furthermore, the introduction to the code states, “every law enforcement agency should be representative of and responsive and accountable to the community as a whole”. However, the current state of conflict in Kashmir illustrates a clear divide along religious and cultural lines.

In 2013, the Jammu and Kashmir State Human Rights Commission (SHRC) stated that, “the use of pellet guns by government forces was a serious threat to life”. The SHRC declared that the petitions submitted regarding ten people who received serious bodily injury from pellet guns made out a *prima facie* case of a human rights violation. The commission also reminded law enforcement agencies that they must follow standard operating procedure and use minimum force.

That same year, the Jammu and Kashmir high court rejected a petition filed seeking a ban on the use of pepper gas and pellet guns for crowd control.

The use of pellet guns as a crowd control tactic must be

banned. Since 2010, these “non-lethal” weapons have caused serious injury and severe harm to thousands of Kashmiris. The use of pellet guns in Kashmir in reaction to the current protests is a clear violation of human rights and

humanitarian law. These weapons have neither been used proportionally nor in compliance with international standards on the use of force or domestic standards on crowd control.

ravinairsahrdc@gmail.com

(Continued from Page 9)

detailed how some objects of everyday use could be used as weapons of murder.

Moreover the question is not just of the impact of a particular film or TV show but also of the overall impact of excessive depiction of crime and violence in media. For example the well known study of Prof. Centerwell of the University of Washington has concluded that the overall impact of the introduction of TV in the USA and Canada has resulted in a substantial increase in

the number of murders, rapes and assaults over a period of several decades.

So while allegations of media linkage in the context of some specific cases can be debated, there is no doubt that certainly there is need for caution and restraint as the reach and impact of media are increasing and on the whole excessive depiction of violence and crime in unrestrained ways can certainly lead to several kinds of problems.

(Continued from Page 9)

Kathmandu. “Dr Jha had promised me that he would come back for sure after unfurling the flag of democracy in Kathmandu”, wails the driver, tears rolling down his face. Bihar socialist leader Karpoori Thakur, who is also in the bus, pats the back of the inconsolable driver.

The Diary also records the contribution of the socialist journal Hindi “Weekly Janata” published from Patna to the movement for democracy. It was then published under the editorship of great socialist Hindi writer Rambriksha Benipuri. The book highlights how Dulari Master and Ganouri Mahto took *Janata* to every nook and corner of Nepal at the risk of their lives and limbs. Nepali Congress leaders used to call these two workers “Do Bailon ki Jodi”

(the couple of bullocks) of Munshi Premchand.

Ravinder Bharati seems to be greatly influenced by the world-famous tome “Ten Days that Shook the World” of John Reed about the Russian Bolshevik Revolution. The style is the same. Love for minutest details is the same. And the urge for accuracy is the same. Bharati’s prose tends to be sheer poetry at times. Proof-reading mistakes here and there are rather jarring, though.

On balance, “*Nepal urf Lattha Par ki Diary*” is an eminently readable book, particularly for those who are interested in the history of the democratic transformation of Nepal from the despotic Rana reign.

Open letter to M. J. Akbar

Respected Akbar *ji*,
Greetings,

Eid Mubarak. That you have become the Minister of State for External Affairs is no less a special occasion than Eid. We journalists should be very happy that you first became a spokesperson for the Bharatiya Janata Party and then a parliamentarian and now a minister. You fought an election on a Congress ticket. Then you came back to become an editor. Then you again went from an editor to a spokesperson and then a minister. Perhaps I will never know what you thought about journalists becoming *netas* and the work ethics that come into play with that.

Did you ever pass through a crisis of conscience? Even though there are no Gods in journalism, during these times, did you ever fear God?

Akbar *ji*, I am writing this letter to you with a certain degree of bitterness as well. But you are not the reason for that. You may help me out of it. For the last three years I have been called a pimp on social media. The political change that veteran journalists like you call great for India has also forged the culture of shouts of “pimp” and “hustler” trailing news stories and news bringers. It has come so far that even my mother has been called a whore - a woman who could never go to school, who does not even know what an anchor is, or what is prime time. She has never seen the studios of NDTV. All she asks is if I am keeping well. But she does read the newspaper very closely. When she found out that I am abused like this, she could not sleep well for days.

Akbar *ji*, when you came from journalism into politics, did people call you a pimp too, abuse you, vilify you-like they do me (especially after the episode with the black screen aired?) Then when you came back from the Congress into journalism, did people - especially the then opposition whose member you are today - see you as a pimp for 10 Janpath (the headquarters of the Congress) or any other party? What explanations did you give yourself then to carry on? Can you share those explanations with me? I need your help.

In journalism, I have done many a bad report. Some have been exceptionally terrible. But until three years ago, no one used to call me a pimp. Neither did they drag in my sister or mother into it. Akbar sir, I am not a pimp. But do tell me what should I do to become Akbar. When Murli Manohar Joshi used to be a minister in the Vajpayee government, I used to debate the saffronisation of education a lot. Back then, no one in your party office spoke to me with hostility. Dr Joshi even had tea served to me after interviews and asked for sweets to be brought in. He never said you are asking these questions because you are a pimp of the Congress. Due to his age, he often got angry but never did he decline an interview or hint the government was annoyed at me.

But now everything has changed. There is a new culture of political control. There is now a horde of people who try to find political leaning and meaning behind every news story. This horde is flagrantly abusive. They

often use the photo of our Prime Minister on their profiles and use symbols of the Rashtriya Swayamsevak Sangh. Many of them follow ministers and many are followed by ministers. They identify some as against the BJP and heap praises on the rest.

Definitely there has been a decline in journalism. It wasn't there at all when you fought an election, won, lost and came back to become an editor. That must have been the golden age of journalism. It can be called the Akbar age if those who abuse us don't take offence. All this means that today some journalists have become an unannounced extension of the spokesperson. Those who abuse me don't call these people pimps. The section that does is the same that trolls Smriti Irani.

As a colleague, in your Foreign Ministry, you will find General VK Singh who coined the word ‘presstitute’ for journalists. In Hindi, the crowds that agree and support him call us ‘preshya’ - a combination of press and vaishya (prostitute). Because I work for NDTV, they replace N with an R and call it Randi TV.

Do you think when journalists ask difficult questions, they are pimping another party? Which question can make one a pimp? If editors like you can tell me, I can learn a thing or two. I can tell young reporters don't become Ravish Kumar, if you must become somebody become Akbar because maybe even Ravish Kumar will one day become an Akbar.

I am a bit of an emotional person. I've definitely been shaken by these attacks. That's why after seeing you, I thought you could help me. For the last three years, before every report, I have been struck by the thought that those people who are celebrating India's cultural ascent may call me a pimp and my mother a whore, but my mother is the only real Mother India. I am bringing up my mother again and again because people of your party understand 'Ek Ma ki bhavna' the best. When you take the name of your mother, it's the end of an argument.

Akbar ji, I am writing this letter with a lot of hope. Your response will be an example for future journalists who these days pay Rs. 10 to 15 lakhs to study journalism. In my eyes, a generation that pays so much to study journalism is not worth much, but your response can boost their confidence.

When you returned to journalism from politics, did you worry about the party and its ideology when writing about them? Were you able to hold your ground? How firmly? When you returned to politics from journalism, did you start doubting what you wrote? Did you ever feel that you wrote what you did expecting a reward? I believe that we journalists write in the pressure of our times and context. Switching between journalism and politics, can one be free from these moral dilemmas? Did you manage to do it?

To avoid being like Twitter trolls, I don't want to bring up what you wrote about the riots in the country including Gujarat. I am just asking this on a personal level. Even before you, people from a number of media

organisations have gone to the Rajya Sabha. With the Congress, you fought for the Lok Sabha, and with for the BJP, you fought for the Rajya Sabha. I am happy that Prime Minister Narendra Modi has kept this tradition of the Congress government alive of putting journalists in Parliament. People singing the praises of Indian culture perhaps did not notice that popular Atal ji was himself a journalist and after becoming Prime Minister, he could not abandon his love for his paper Veer Arjun. You can find quite a few other examples.

I haven't jumped into politics just yet. If I do, you will be of great help. That is why you should tell me what journalists should do. Should they fight elections, become ministers, and then become journalists again? Will they be able to report then? When one becomes a reporter in the name of national interest, should they always be on the lookout of political opportunities?

I hope that in the name of principles, those who hurl abuses are welcoming you. They should also shower flowers on you. Your competence is without doubt. You are a hero for all of us. Those of us who consider journalism to be a religion could not see how you have upheld its rituals. Because anchors these days show their importance based on their TRPs, I would say I am a zero-TRP anchor. The TRP meter tells me no one watches me. On these grounds, you can overlook my letter. But being a minister, you are principally answerable to each and every citizen of this country. So based on this, you can respond. The one with the top TRPs won't ask you how a minister can respond to someone with zero TRPs. And that too a Minister of State for External

Affairs. Once again, Eid Mubarak. From the heart.

Your minion,

Ravish Kumar

*Senior Executive Editor,
NDTV India*

*Translated by
Divyanshu Dutta Roy*

Supreme Court and RSS

No judicial court advises any suspect or accused to tender apology so as to escape defamation prosecution. There are cases where even after the accused had tendered an apology in a defamation case, the court, after trial, convicted him and awarded punishment. Throwing all norms to the winds, our Supreme Court advised, or rather threatened the Congress vice-president Rahul Gandhi that he will have to face trial if he does not tender apology to the RSS for leveling charge against it regarding complicity in Mahatma Gandhi's murder. Let the whole world know, once again, know the true facts about such a grave matter. Is not RSS capable to defend itself? It is very shocking to find a high pillar of our Republic running to help an organization which is engaged in poison-spreading campaign against the minorities. The Supreme Court would do well not to transgress boundaries of its role and functioning.

–Pannalal Surana,

Chairman, Central Parliamentary Board, Socialist Party (India).

With Best Compliments

From



APNA BAZAR CO-OP.

MUMBAI KAMGAR MADHYAWARTI GRAHAK SAHAKARI SANSTHA MARYADIT

(Multi-State Consumer Co-operative Society)

Govindji Keni Road, Naigaon, Dadar (East), Mumbai-400 014.

MAIN CHARACTERISTIC

- 60 YEARS SERVICE IN CONSUMER SECTOR
- ONLY ONE MULTI-STATE CONSUMER CO-OPERATIVE SOCIETY IN INDIA
- MORE THAN 40 RETAIL OUTLETS
- ANNUAL TURNOVER IS 100 CRORES
- 15 LACS LOYAL CUSTOMERS
- AWARD WINNER OF JAMNALAL BAJAJ UCHIT VYAVHAR [1989 & 2001]

➤ **HEALTH SERVICES**

- ★ DADA SARFARE AROGYA KENDRA - NAIGAON
- ★ H. N. PATIL AROGYA KENDRA - VASHI
- ★ FREE HEALTH CAMPS
- ★ MARKETING THE PRODUCTS OF SMALL PRODUCERS

APNA BAZAR FOR ALL

Postal Registration No. MCW/275/2015-2017.

License to Post without prepayment WPP License No. MH/Tech/WPP-210/West/2016

Published on Sunday, July 31, 2016 & Posted on Wednesday August 3, 2016 at Mumbai Patrika Channel, Mumbai GPO-1



GANNON DUNKERLEY & CO., LTD.

An infrastructure company established since 1924

REGD. OFFICE :

*New Excelsior Building, (3rd Floor),
A. K. Nayak Marg, Fort, Mumbai 400 001.
Tel.: 022 2205 1231 Fax : 022-2205 1232*

Office : Ahmedabad, Hyderabad, Kolkata, Mumbai & New Delhi